

NEW MEXICO'S FADING COLOR LINE

Albuquerque Shows the Way

ALBERT ROSENFELD

EARLY last June I was having lunch in one of the better restaurants on Albuquerque's Central Avenue with three University of New Mexico students, all of them colored. One was from New Jersey, another from Cuba, the third from Ethiopia. The Jerseyite was passing around a clipping from the *New York Times* he had just received from a friend back home. The brief article, discussing discrimination in the Southwest, was datelined Los Angeles, May 28, 1955. "Discrimination against Negroes," read a sentence underlined in ink, "is so prevalent that, according to a correspondent, it is as difficult to get a Negro a meal in Albuquerque, of 100,000 population, as it is in Ruidoso, a small mountain resort."

Miguel Marrero, the Cuban student, read the clipping while the blond waitress served us coffee. Mike grinned his big-toothed grin and remarked, "This fellow obviously hasn't heard about our anti-discrimination ordinance. He's at least three years out of date." Mike might have added that the fellow was also at least three years out of date on his population figures, since Albuquerque had long since passed the 150,000 mark.

Albuquerque, perhaps the fastest growing city in all the booming West, is a crossroads town, located on that sun-seared stretch of New Mexico mesa where Route 66—whose perennial popularity as an East-West high-

road Bing Crosby used to serenade on the nation's jukeboxes—meets the Pan-American Highway, U.S. 85, connecting the Mexican border with the Canadian. Albuquerque is also a cultural crossroads where, since Territorial days, Indian Americans, Spanish Americans, and Anglo-Americans have enjoyed one another's company in comparative harmony. In the period between the Great Depression and the years immediately following World War II, heavy immigration made Albuquerque another kind of crossroads, where West met—and clashed with—South.

The Western tradition has always held that "a man's a man." Southern dogma, as everyone knows, insists on the superiority of some breeds of men over others. When the South challenged the West in Albuquerque, the City Commission replied by passing a penalty-laden anti-discrimination ordinance that is perhaps unique in America's history.* The ordinance got its final approval on Lincoln's Birthday, 1952, on the eve of Brotherhood Week. Its passage, unfortunately, was not as well publicized as another incident that occurred the same week in San Francisco, where a young man named Sing Sheng was, by majority vote of his prospective neighbors, denied admittance to a suburban residential area.

During the public discussion of the controversial measure before the City Commission, an Albuquerque old-timer got up to say his piece. First he expressed sympathy with the aims of the proposed ordinance.

THIS is the tale of a resounding triumph over racial discrimination that will set an example, one hopes, for similar campaigns elsewhere. ALBERT ROSENFELD, who contributed "In Santa Fe, the City Different" to the May 1954 issue of this magazine, hails from Philadelphia and is now settled in Santa Fe, where he is correspondent for *Time* and *Life*. He has appeared in *Collier's*, *Reader's Digest*, *Harper's*, and many other periodicals.

*The Congress of the United States passed a Civil Rights Bill in 1875 calling for "not only equal but identical accommodations in all public places for Negroes and Caucasians." But this law was largely ignored, and the Supreme Court declared it unconstitutional in 1883.

"We never used to have this kind of trouble in Albuquerque. It's all happened within the past few years." Regretfully he added: "It's no use, though. You just can't legislate against social prejudice." Many in the audience nodded their amens.

But the old gentleman turned out to be wrong.

When a bill was introduced during the 1955 session of the state legislature proposing a statewide anti-discrimination law, a representative from Bernalillo County replied to its critics: "Three years ago I, too, would have said that such a law could not work. But since then I have *seen* it work, admirably—in the city of Albuquerque."

Not that the old gentleman can be blamed for his skepticism. Even some of the ordinance's best friends could hardly believe it had worked so successfully and painlessly. A caravan of Negro delegates from Phoenix, en route to a convention of the National Association for the Advancement of Colored People in Oklahoma City, decided on a test as they passed through Albuquerque. The caravan started on the west end of Route 66, which runs through the heart of town. Someone in each car stopped at every café and bar along the road. They had to admit to Hobart LaGrone of Albuquerque, when they saw him at the convention, that in no place were they refused service. In fact, in no place was there the slightest indication that people were anything but quite pleased to serve them!

PART of New Mexico, notably those counties that adjoin the Texas border, had for a long time shared and practiced the regular Southern prejudices. Towns like Clovis, Portales, Roswell, Carlsbad, Artesia, and Hobbs segregated their Negroes in the schools and in housing areas, and openly discriminated against them in public places. But the East Side of New Mexico was, after all, "Little Texas," and the rest of the state was not too disturbed about its folkways. Not, at least, until the *tejanos** began

*A *tejano*, literally, is a Texan. The word began to carry distasteful overtones way back dur-

creeping northward and westward, infecting even Albuquerque, the liberal, metropolitan heart of New Mexico. Then old hands began to grow alarmed. Next it would be Santa Fe and Taos.

It all began in the 1930's. During Governor Clyde Tingley's administration, a State Tourist Bureau was created. In response to its blandishments, thousands of migrants from Texas, Oklahoma, and the Deep South—who had been hard hit by the depression and were looking, anyway, for a new, hospitable frontier—headed for New Mexico. The line on the immigration graph rose steeply with the years; in the immediate post-war period—which saw Albuquerque quintuple its population—the line spiraled right off the graph paper.

"There was a time in Albuquerque," says Hobart LaGrone, a mail-carrier who heads the local NAACP, "when your color didn't matter when you went into a public place. Then things began to tighten up a bit as Southern customers in bars and cafes begin complaining about having to eat and drink with Negroes. They would threaten not to come back, and the proprietors were afraid of losing business. If you came in with some white friends, the proprietor usually wouldn't refuse you service—but he would watch you uneasily all the time you were there, and the waitress would serve you as fast as she could. If you came back to the same place alone, there would be some pretext for not serving you. Or they would treat you with deliberate discourtesy and charge absurd prices.

"This began happening in more and more places. Even the movie theaters began steering their colored patrons to segregated sections of the balcony. A Marian Anderson could still get a room at the Alvarado and

ing the War Between the States when a contingent of hell-raising Texans invaded New Mexico with the Confederate forces (at a time when Ash Upson, editor of the *Albuquerque Review*, was writing violent anti-slavery editorials). Today the term *tejano* refers to any prejudiced person—usually a Southerner, although a man from Connecticut or the Dakotas may rate the epithet.

a Hazel Scott could stay at the Hilton, but an ordinary colored tourist had to find some all-Negro accommodations."

Most white Albuquerqueans were hardly aware of the change. But the situation was finally thrust upon their attention by the student body at the University of New Mexico. Once the fact of increasing discrimination was publicized, the students did not have far to look for allies. Large numbers of Albuquerque's newcomers, from the East, Midwest, and Far West, preferred the old Western ways. Sandía Base and Kirtland Field, huge secret atomic and jet installations, had brought in thousands of well-educated people who had no stomach for Jim Crow. And, most encouraging of all, it turned out that a number of Southerners had left home precisely to get away from that South which now pursued them.

In 1949, two of the most popular students at the university were Negroes—George Long, who had been elected first president of the new Mesa Vista dormitory, and Herb Wright, who headed the campus chapter of NAACP. Long and Wright were repeatedly denied service at restaurants and bars, even when they were in the company of their white friends. The latter began to write angry letters to the editor of the campus newspaper, the *Lobo*. The *Lobo's* editors began listing places which discriminated against Negroes, and the student senate began boycotting them.

When Oklahoma Joe's, a popular student hangout, refused service to a Negro, the word passed quickly around the campus, and Joe, frozen out, quickly capitulated. When the Walgreen Drug Store in town wouldn't serve Negroes at the fountain, the president of the student senate, Al Utton (now a Rhodes Scholar at Oxford), declared Walgreen's off limits. Bars and cafés all over town were given this treatment. The student trade is no inconsiderable factor in Albuquerque's economy and some places quit discriminating in deference to student wishes. But most preferred to keep their Southern clientele. Some proprietors were, of course, Southerners themselves. One such proprietor

of a café near the campus ordered Shirley Williams, a Negro co-ed who had come in innocently to have lunch with her white roommate, to get out. When Manuel Talley, a visiting investigator from the Committee on Racial Equality, went in to talk to this same proprietor, he was cracked over the head with a ketchup bottle.

WITH the increasing student agitation, the local NAACP chapter went into action. It enlisted the aid of the Ministerial Alliance, labor organizations, the LULACS (League of Latin-American Citizens), the American GI Forum, the Anti-Defamation League of B'nai B'rith, and other sympathetic groups, then proposed that the City Commission consider the passage of an anti-discrimination ordinance.

Julius Golden, now with Associated Press but then a student reporter for the *Lobo*, took a sampling of opinion among restaurant owners. Some were frankly and ferociously against the idea of such an ordinance. "There ought to be an ordinance," one proprietor suggested, "to keep the niggers in their place. I hate 'em." But another expressed what most seemed to be thinking: "I hate to say no to a colored man. But most of us aren't heroes or reformers. We don't want to lose our Southern trade. Frankly, I'd be all in favor of an anti-discrimination ordinance. If it was against the law for me to refuse service to Negroes, then my other customers would realize I had no choice. And if *nobody* discriminated, they'd pretty soon get used to the idea of having Negroes around. But it's going to take a law to do it."

By the fall of 1950 the City Commission was sufficiently impressed by the arguments offered in favor of legislating against discrimination to appoint a committee to look into the matter. Albuquerque was a vital defense area, the ordinance's proponents argued, and it, of all places, should be a working model of democracy. Was it not of primary importance, they asked, to wipe out any practice that the nation's enemies might use to stir up group tensions? The

committee was given a twofold task: to decide whether or not discrimination was really widespread in Albuquerque; and, if so, to recommend what, if anything, the City Commission might do about it. Head of the committee was Dr. Sherman Smith, director of student affairs at the university. On it was a prominent Negro, a Spanish Presbyterian minister, a Southern Baptist minister, a businessman from Oklahoma, a sociologist, a housewife, and the president of the local plumber's union.

The committee moved cautiously. After a number of interviews with individuals and heads of organizations, they decided there was no real discrimination against Spanish Americans in Albuquerque. They talked to members of various Indian-affairs associations and to representatives of Navaho and Pueblo tribes, and concluded that Indians ran into trouble only in securing adequate housing; and this discrimination was economic rather than racial. Albuquerque citizens of Oriental ancestry testified they had run into no difficulties.

It was hardly necessary to interview any Jews. Everyone agreed there was no local Jewish problem. In the earliest days Jews had made the three-month journey by wagon train from St. Louis through Apache and Comanche territory. They were among the town's oldest families, and there was hardly an organization in Albuquerque, from Rotary to the country club, in which Jews were not prominent. Interreligious relations had always been comfortable, sometimes to the point of jocular.

But the committee did find, from the repeated testimony of a parade of Negro witnesses, that there was indeed discrimination against Negroes all over town—not in every bar, restaurant, hotel, motel, barber shop, beauty parlor, public hall, and swimming pool in the city, but in most of them.

IN *An American Dilemma*, his monumental study of the American Negro, Gunnar Myrdal repeatedly stressed that even the best-educated white people were woefully ill informed, as a rule, about

Negro conditions in their own communities. The Albuquerque housewife on the committee kept expressing astonishment and dismay at the point to which social relations in her native city had deteriorated. "... a great majority of white people in America would be prepared to give the Negro a substantially better deal if they knew the facts," said Myrdal. This proved to be the case in Albuquerque.

The housewife's expression of dismay at local conditions was not the only cause for surprise during the course of the committee's meetings and hearings. It had been generally assumed, for example, that at least two Southern-minded members of the committee would be in favor of continued discrimination. Yet at one point the former Oklahoman rose to say, "In all honesty, I must admit that I have bias in my heart. I was raised in the midst of it. But I don't want my children to grow up with it. That's one reason we moved to New Mexico. And although I can't seem to get rid of my bias, that is no reason to be proud of it. I confess I am ashamed of it." (As the Elder Zossima in *The Brothers Karamazov* told the lady who was grieved because she seemed incapable of loving anyone: "It is enough that you are distressed by it.")

Meanwhile summer had come, and the committee suspended operations. When it resumed them in the fall, with no word about its findings, NAACP's LaGrone began to grow restive. He feared the committee's Southern members might be deliberately stalling in order to postpone action indefinitely. (The *Lobo* later editorialized sarcastically: "It took eight persons a year to discover that racial discrimination exists in Albuquerque.") At this timely moment an incident occurred which gave LaGrone the perfect opportunity to bring the matter to a head. A colored exchange student from Ceylon, on his way to Santa Clara College in California, was refused service at the Liberty Café. When he arrived at his home campus, he reported the indignity to the dean, who wrote to the Albuquerque City Commission, which issued a formal apology

to the student. LaGrone wrote letters to the local newspapers and reminded the commissioners that this sort of international incident was possible—and would continue to be possible—only because it was common practice to discriminate against Albuquerque's own Negroes.

The committee called a final meeting at which it was decided unanimously to recommend the passage of an anti-discrimination ordinance. Although the ordinance recommended by the committee contained no penalties other than civil (e.g., the revocation of a license to operate), the ordinance drawn up by the NAACP's attorney had teeth in it: a fine of \$100 to \$300, from 30 to 90 days in jail, the loss of operating license in case of a second violation within a year. Defined as public places in the ordinance were hotels, restaurants, bars, ice cream parlors, dispensaries, clinics, hospitals, bathhouses, theaters, concert halls, skating rinks, golf courses, swimming pools, pool parlors, public conveyances, and public halls and elevators. Not included, on purpose, to reduce anticipated opposition, were barber shops and beauty parlors. Also omitted were clubs or places "distinctly private" in nature. The ordinance was patterned on a similar one drawn up for Madison, Wisconsin. Madison didn't accept it. Albuquerque did.

BY THIS time many influential sections of the town's population had gone on record as favoring the ordinance: Catholic, Protestant, and Jewish groups; civic clubs, labor unions, and veterans' organizations; newspapers and radio stations. People pushing the ordinance were, on the whole, such a solid, conservative lot that no one could label the move "Red-sponsored" without being laughed at. NAACP's good-humored but stubbornly serious LaGrone—who, although only a postman, is a graduate of Fisk University and a man of wide intellectual interests—pleaded eloquently before the Commission: "The nearly two billion colored peoples of the world watch to see how democracy's champion will meet the challenge posed by this test. Stubborn postponement

of the solution of this problem makes the nation's position as the standard-bearer of freedom increasingly untenable."

Albuquerque law requires three consecutive weekly readings of an ordinance before passage, except in case of emergency. On the first reading of the anti-discrimination ordinance before the City Commission, there was no vocal opposition. "This strikes deeply into our whole social set-up," Commissioner Don Wilson commented, "but it is my feeling that if the Constitution of the United States means what it says, I think passage of this measure will clear the air. But I do believe it should have three readings and not be passed as an emergency."

The only hostile voice at the second reading was a representative of the barbers' union. But since barber shops had been omitted from the ordinance, he had to admit that his protest was irrelevant.

By the third and final reading, however, the opposition had begun to realize that the improbable was about to happen. They quickly organized, set up a public howl, and turned out in impressive numbers for the meeting. The howl they set up spread some alarm among the bill's friends. They, too, showed up in force. A thousand people must have squeezed into the restricted City Hall meeting space that evening.

It was a session to delight the most jaded collector of *non sequiturs*. "I'm not prejudiced against Negroes," said one indignant lady. "I'm simply prejudiced in favor of white people. What's wrong with that?"

Several people protested the high penalties for violation of the ordinance—among them H. Duncan Simmons, executive secretary of the Bernalillo County Retail Liquor Dealers Association, who termed the measure "class legislation" against "an industry that is already more burdened with regulations than any other."

"The Negroes are much happier keeping with their own kind," one helpful fellow assured the Commission. "Why force them to mix?"

There were dire prophecies of impending riots and bloodshed if "the races are forced

to mix." There were some in the crowd who announced that they were sincere, dedicated Christians, men of great integrity and morality, saturated with the principles of Americanism; and that, therefore, they reserved the right not to serve, or eat with, Negroes.

Among the self-styled good Christians present was a young Southerner named Bill Upchurch, the son of a local restaurant owner, who turned out to be the leading spokesman for the opposition. He called the proposed ordinance "more of this old socialistic stuff being forced on us by Truman and his gang. It's a question of whether or not we'll have private ownership." He brushed off a question from the Reverend Mr. C. N. Austin, Jr., pastor of the African Methodist Episcopal Church, who wanted to know if Upchurch thought there would be segregation in heaven, and promised he would circulate petitions to defeat "this insidious measure."

Near the end of the meeting, one restaurant man demanded to know, "Doesn't the Constitution give us equal rights, too?" Commissioner Don Wilson replied, "If everybody's going to serve our people regardless of race or creed, then all are being treated equally."

In the end the City Commission passed the ordinance unanimously. The man who made the announcement—to the accompaniment of applause and cheers—was Chairman Clyde Tingley, the same man who, as governor, had set up the State Tourist Bureau whose siren song brought the first mass invasion of *tejanos* to Albuquerque.

UPCHURCH and his followers were not going to take this lying down. Almost immediately petitions started circulating calling for a city-wide referendum on the controversial ordinance. Upchurch lost no time calling a meeting of his strategy committee at the Chamber of Commerce offices. Since there was no attempt at secrecy, a number of uninvited hecklers attended. One of them who spoke up was silenced by Upchurch with: "I'm afraid I don't want to

hear any more from you. This is just a Negro-white fraternization law."

At one point, while Upchurch was discoursing on "natural laws," a man who identified himself merely as a Civil Service employee interrupted to tell about a case during the war where a group of Negro soldiers en route to a fighting front had been denied service. "Are you trying to infer that I condone such a thing?" shouted Upchurch. "Are you trying to insult me?" "You can take it as an insult if you like. If the shoe fits, wear it." There were shouts of "government ward" and less polite epithets, and the speaker finally gave up, while Upchurch went on philosophizing: "Nothing ever is equal to anything else. Jesus Christ did not come to earth to teach equality. He came to teach brotherhood. Brothers are not always equal. Niggers as a whole are just not as wealthy as white people, and you will find that the economic wealth of a country controls it."

The milder Roland Carroll, a construction company official, advised: "Let's try to keep race discussions out of it. Let's stress the belief that our rights to conduct our businesses as we see fit have been denied us." In agreement was a lady acting as the group's treasurer. "Our freedom's all gone when four men can tell us who can come into our place of business," she said. "I never have turned anyone away from my café. But this makes me mad. I have nothing against anyone, no matter what their color. What I am arguing is that our rights have been denied us."

At this, the Reverend Mr. Ira J. Bailes, pastor of the Monte Vista Christian Church, asked permission to speak. "I own a car," he said quietly. "But I cannot drive it in such a way as to endanger other people without getting into serious trouble. Likewise, if you are looking to the public to support your business, your private wishes must be placed second to the public's wishes." The pastor said a few more words about how the deliberate stirring up of racial hatred was dividing the country at a time when we needed to face our common enemies as a united nation.

After the opponents of the referendum

movement had had their say and left, Upchurch's comment, reported by the *Albuquerque Tribune*, was: "Now that the Reds have gone, we can get down to business."

The referendum movement got plenty of publicity. No one who read the newspapers or listened to the radio could complain that news of it was suppressed. Station KOAT decided to devote one of its daily "Let the People Speak" programs to the subject, which proved so popular that it dominated the program for many days. During the unrehearsed, informal interviews, Hobart LaGrone was astonished and gratified to hear so many soft-drawling Southern voices speak in favor of the ordinance.

After a few weeks, interest began petering out and the petition circulators had to admit failure. They needed 15,000 signatures, but had secured barely 1,800. And among them were signatures of people like Dr. Sherman Smith, head of the committee which had originally recommended the ordinance; he, like other people, signed the petitions in the serene confidence that a popular vote would endorse the ordinance overwhelmingly.

Thus the anti-discrimination ordinance became law in Albuquerque. It was true, as the *Lobo* pointed out editorially, that restaurant owners could still find pretexts for refusing service to a Negro on the ground that "the man was not dressed neatly enough, or he was acting obnoxious, or most anything that couldn't be proved one way or another."

The local NAACP chapter was prepared to make a test case of the first incident in which a Negro complained of being refused service. But there were no complaints—because there were no refusals. Only one incident was reported to NAACP, and only at second hand. Two colored sailors passing through town, with some time to kill between buses, went across the street to get a beer. The bartender refused to serve them. When they returned to the bus station, a colored porter told them about the anti-discrimination ordinance. So the sailors went back to the bar, this time accompanied by an Albuquerque city policeman. They drank

their beer in peace, and went on their way.

Aside from this single—perhaps apocryphal—incident (a far cry indeed from the riots which had been prophesied), there have been only a few minor misunderstandings, all of them settled amicably by a few words. Thus, without the need of a test case, Negroes now circulate freely and confidently once more in the city of Albuquerque—a city of the Old West, where a man is still a man.* Recently the Flanagan Construction Company advertised a new housing project in the *Albuquerque Journal*. Its headline read: NO RACE SEGREGATION.

BUT by now there was word of an integrated housing project even in Clovis, New Mexico, in the heart of *tejano* country. As further evidence of the state's fading color line, a few communities in "Little Texas" had voluntarily begun desegregating their schools. Irvin P. Murphy, a forward-looking school superintendent now with the State Department of Education, had started the trend in Carlsbad. Other towns, like Artesia and Roswell, soon followed suit. When the Supreme Court issued its decision on segregation, the entire East Side submitted to the inevitable. Hobbs, a booming oil town only four miles from the Texas border, decided to go along quietly and permit Negro students to register at white schools the following semester (September 1954). There were no overt indications of trouble until the summer vacation was almost over. Then the Reverend Mr. Bill T. Carter, pastor of the Rock Chapel Baptist Church, spoke up.

A big, hearty, self-educated man, Carter had once served time on a Texas chain gang; later he became an oilfield worker who—according to his own testimony—drank, gambled, and caroused mightily until the death of one of his children brought on an apocalyptic conversion.

*Since this article was written, the NAACP has received a complaint that many Albuquerque motels are still discriminating against Negro tourists; and it may, after all, be necessary to bring a test case to court.

As fall registration time approached, Carter began referring to himself as moderator of a segregation committee. He sought an injunction to prevent the Hobbs school board from ending segregation without awaiting further word from the Supreme Court. Carter freely predicted there would be bloody riots when Negro children tried to go to white schools, and added that, in such case, he would have to step down as head of the group. "I'm afraid there is no chance for a peaceful settlement of the problem," he said sadly.

A deputy sheriff and S. H. Evans, the local NAACP head, told reporters they had no reason to expect trouble over desegregation. But the Reverend Mr. Carter insisted: "This is not just a Carter group. It's 8,000 people. Public opinion says wait, and the school board isn't waiting. When public opinion is challenged, it's just like a gasoline fire, and I don't think anything can stop trouble. I don't mind telling you a bunch of oilfield roughnecks have told me they're going to do things their own way. All I can do is pray for the best, but there's hotheads on both sides." Carter insisted that, except for a few families from California and Kansas, his congregation was solidly behind him. "God segregated the three children of Noah," he added piously.

This was too much for the Reverend Mr. Mitchell S. Epperson, pastor of Albuquerque's Northminster Presbyterian Church and president of the Ministerial Alliance. In a letter issued to the press, he charged Carter with "social heresy of the worst sort," and accused Carter of "trying to ease your conscience by finding religious sanction for your racial bigotry and intolerance. . . . It is most unfortunate that the one articulate voice in the state of New Mexico against public school desegregation should be that of a Christian minister."

The leaders of the Southern Baptist Convention, embarrassed by the whole business, explained that the convention had no control over an individual preacher like Carter. Executive Secretary Harry P. Stagg said the convention was firmly behind the move

toward desegregation, and the Reverend Mr. Lewis Myers, editor of the *Baptist New Mexican*, indicated he would praise the Supreme Court decision editorially. Advised of Myers's editorial stand, Carter commented, "He's just rotten wrong."

BY NOW Carter was growing more belligerent, and more incoherent. "I'm not giving up. I'm not getting out. I'm standing by my convictions," he said. "From all indications the government or Supreme Court did this thing more to appease Communist Russia and to stop propaganda than to think of hardships placed on the Southern Negro and Southern white man."

With that, Carter called an emergency meeting of his segregation committee at the Rock Chapel Church, and they voted to ask Governor Edwin L. Mechem to declare martial law in Hobbs. As Carter's warnings grew more violent, District Attorney Patrick Hannegan called him in for a talk. Present at the conference were two deputy sheriffs, a state policeman, and a Hobbs city policeman. "You called me here," Carter complained, "but I didn't know every gunman in the county was going to be here." Hannegan explained that he wanted the law enforcement agencies to know what was going on.

Then he warned Carter about compulsory school attendance, about penalties for interfering with school attendance (this for the benefit of segregation committee members who had been actively soliciting parents to refuse to send their children to school because they feared trouble), and laws dealing with unlawful assembly, conspiracy, rioting, and other forms of violence.

After the conference, the segregation committee complained that no one from NAACP had been called in and warned about the consequences of rioting. "Could it be that our brilliant district attorney thought that Negroes did not have equal rights to know the law, or was he using this meeting to discriminate against the segregation committee and Bill T. Carter?" They suggested that not enough protection was being arranged

for white children. "The Negro race has been set back a hundred years," trumpeted Carter. "The Negroes are a defeated race."

The district attorney, said Carter, had handled him "in a Communistic way." He reported that "pistol toters were there with their guns loosened for action. . . . I have been made a hostage, and if any violence occurs I will be the first one arrested. . . . In other words, if a Negro stabs me I can't object. My hands are tied. I cannot even protect myself. God will take care of me. There definitely is going to be trouble. That is the reason we need martial law."

The day before registration, reporters and photographers from all over the nation converged on Hobbs, including a team from *Life* and cameramen for CBS-TV, ready to document the expected mayhem. But registration came and went, police cars patrolled school zones, Negro students mingled with white children, there was a minimum of absenteeism—and nothing happened. Or rather something happened but it was hard to photograph: Hobbs ignored the Reverend Mr. Bill T. Carter.

The Carter group made a last attempt to fight desegregation by running a few candidates for the school board several months later. But the showing they made was pitiful. And when a minister from Poona, India, wrote a letter to *Time* criticizing American attitudes toward desegregation, *Time* cited Hobbs as a place "where desegregation—after a brief flareup—now works."

THE Hobbs episode was the last gasp of those who would give respectable sanction to either segregation or discrimination in New Mexico. Since then the state legislature has passed, and Governor John Simms has signed into law, the New Mexico Civil Rights Act of 1955, a comprehensive, statewide anti-discrimination measure, declaring the right of all persons "to the full and equal accommodations, advantages, facilities, and

privileges of any place of public accommodation, resort, or amusement within the State of New Mexico subject only to the conditions and limitations established by law and applicable alike to all persons."

Although the new act contains no penalty provisions, its supporters believe it is enforceable under the general principles of law and equity, and are prepared to bring a test case to court if East Siders prove recalcitrant. *Ubi jus ibi remedium*—where there is a right, there is a remedy—is a long respected maxim of American jurisprudence.

Those who insist that we cannot legislate against prejudice are victims of semantic confusion. No one ever suggests a law against prejudice—which, like the impulse to murder, is no more than a thought or feeling. The proposed legislation is always directed against discrimination and segregation—which, like murder and rape, are acts. So while it is perfectly true that we cannot, by law, prevent people from thinking thoughts, we *can*, by law, protect prospective victims in case the thoughts are translated into action.

Machiavelli once said, in discussing reformers and innovators, that the important question was "whether in order to carry out their designs they have to entreat or are able to compel. In the first case, they invariably succeed ill, and accomplish nothing; but when they can depend on their own strength—and are able to use force, they rarely fail." The NAACP and its friends may not go all the way with Machiavelli. But they have seen the City Commission in Albuquerque remain firm in the face of threats and warnings from the glib practitioners of word magic. They have seen the district attorney in Hobbs read the riot act *in advance* to potential rioters. And they have concluded that, where those who possess authority are prepared to exercise it, matters like discrimination and segregation may be legislated against with a high expectation of success.